

APPLICATION NO. 09/871,243
DOCKET NO. P1038/N8788REMARKS

Claims 1-5, 7-13 and 28-38 were pending in the application, with claims 1, 5, 29, 32, and 33 amended herein, claims 2 and 31 canceled, and claims 39-51 added, in order to more clearly define and fully protect Applicants' invention. Reconsideration and allowance of all pending claims 1, 3-5, 7-13, 28-30 and 32-51 is respectfully requested.

The Office Action indicates that claims 2, 5, 7-13, 28 and 31-38 would be allowable if rewritten in independent form (including all of the limitations of intervening claims). As such, independent claim 1, as amended, comprises allowable claim 2 rewritten in independent form (with claim 2 canceled as a result); independent claim 29, as amended, comprises allowable claim 31 rewritten in independent form (with claim 31 canceled as a result); and newly added claim 39 comprising allowable claim 7 rewritten in independent form, with dependent claims 2-6, 8-13 and 27 also rewritten as claims 40-51 depending from claim 39. Claims 5, 32 and 33 are also amended to either correct grammatical errors or claims dependency.

Accordingly, independent claims 1, 29 and 39, and all claims depending therefrom, all constitute allowable subject matter in accordance with the Office Action. Thus, all pending claims 1, 3-5, 7-13, 28-30 and 32-51 are allowable claims, and allowance thereof is appropriate and requested.

APPLICATION NO. 09/871,243
DOCKET NO. P1038/NB788

CONCLUSION

Based on the foregoing amendments and remarks, it is believed the above-captioned application is in condition for allowance. Such action is earnestly sought. If there remains any matter which prevents the allowance of any of pending claims 1, 3-5, 7-13, 28-30 and 32-51, the Examiner is requested to call the undersigned, collect, at 615-242-2400 to arrange for an interview which may further expedite prosecution.

The Commissioner is authorized to charge an excess claims fee of \$270 (for 15 excess claims) pursuant to 37 C.F.R. §1.16(c) and the fee of \$110 for a one month extension, which is hereby requested (extending the period of response from September 30 to October 30, 2004), pursuant to 37 C.F.R. §1.17(a)(1), as well as any other deficiency associated with the filing of this Response, to Deposit Account 50-1202.

Respectfully submitted,


James R. Cartiglia
Registration No. 30,738
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456

ATTORNEY FOR APPLICANTS

Waddey & Patterson
414 Union Street, Suite 2020
Bank of America Plaza
Nashville, TN 37219

APPLICATION NO. 09/871,243
DOCKET NO. P1038/N8788

CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this Response To Office Action (11 pages), including excess claims fee and fee for one month extension, and Certificate of Facsimile Transmission (1 page) is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306 on November 1, 2004.

James R. Cartiglia



Signature
Registration Number 30,738



Date